

AMENDED IN ASSEMBLY JUNE 9, 2004

AMENDED IN SENATE MAY 18, 2004

AMENDED IN SENATE MAY 4, 2004

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL**No. 1592**

Introduced by Senator Torlakson

February 20, 2004

An act to amend Section 65400 of, and to add Section 65458 to, the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1592, as amended, Torlakson. Local planning.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes a housing element, land use element, and an open-space element. The law authorizes the preparation of specific plans for the systematic implementation of the general plan.

This bill would, except as specified, require each city and each county to adopt or amend *an infill ordinance or* a specific plan for infill development that identifies potential infill sites and specifies appropriate zoning to encourage infill development on vacant and underutilized parcels. It would require the *infill ordinance or* specific plan to provide at least 5 incentives for infill housing, ~~as specified, from a specified list of 10 incentives~~ as well as an affordable housing strategy.

By imposing additional duties upon local officials, this bill would create a state-mandated local program.

The bill would also require (a) each city and county to comply with these provisions no later than one year from the date specified for the fifth revision of its housing element, (b) beginning October 1, 2007, the Office of Planning and Research and the Department of Housing and Community Development to monitor these provisions, and (c) the local planning agency to include, in a specified annual report, information demonstrating compliance with the infill requirements.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65400 of the Government Code is
- 2 amended to read:
- 3 65400. After the legislative body has adopted all or part of a
- 4 general plan, the planning agency shall do both of the following:
- 5 (a) Investigate and make recommendations to the legislative
- 6 body regarding reasonable and practical means for implementing
- 7 the general plan or element of the general plan, so that it will serve
- 8 as an effective guide for orderly growth and development,
- 9 preservation and conservation of open-space land and natural
- 10 resources, and the efficient expenditure of public funds relating to
- 11 the subjects addressed in the general plan.
- 12 (b) (1) Provide an annual report to the legislative body, the
- 13 Office of Planning and Research, and the Department of Housing
- 14 and Community Development on the status of the plan and
- 15 progress in its implementation, including the progress in meeting
- 16 its share of regional housing needs determined pursuant to Section
- 17 65584 and local efforts to remove governmental constraints to the
- 18 maintenance, improvement, and development of housing pursuant
- 19 to paragraph (3) of subdivision (c) of Section 65583.



(2) The housing portion of the annual report required to be provided to the Office of Planning and Research and the Department of Housing and Community Development pursuant to this subdivision shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of, Chapter 4 (commencing with Section 11370) of, and Chapter 5 (commencing with Section 11500) of, Part 1 of Division 3 of Title 2).

(3) On or after the compliance date that applies to the jurisdiction pursuant to subdivision (b) of Section 65458, this report shall include information that demonstrates how the jurisdiction has complied with the requirements of that section.

(4) This report shall be provided to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on or before October 1 of each year.

SEC. 2. Section 65458 is added to the Government Code, to read:

65458. (a) Each city and each county shall adopt or amend a ~~specific plan~~ *an infill ordinance or a specific plan* for infill development that identifies potential infill sites within the jurisdiction and specifies appropriate zoning for each infill site to encourage infill development on vacant and underutilized parcels. The ~~specific plan~~ *infill ordinance or the specific plan* shall provide at least five of the following incentives for infill housing, as well as an affordable housing strategy, for the designated infill sites:

~~(1) Flexible and clear urban design guidelines and clear procedures for review.~~

~~(2) Increased densities.~~

~~(3) Minimum densities.~~

~~(4) Increased building heights.~~

~~(5) Reduced development impact fees and services fees where allowable.~~

~~(6) Establishment of a business improvement district or community facilities district.~~

~~(7) Reduction of minimum lot sizes or allow for single family detached condominiums.~~

~~(8) Incentives for mixed use projects.~~

- 1 ~~(9) Higher densities and lower parking requirements near~~
2 ~~transit stations.~~
- 3 ~~(10) Establishment of a housing trust fund.~~
- 4 (1) *An expedited permit process for projects that are consistent*
5 *with the ordinance or ordinances or specific plan or plans.*
- 6 (2) *Minimum densities rather than density ranges.*
- 7 (3) *Increased densities that are at least 20 units per acre, or a*
8 *density 15 percent greater than the average density of residential*
9 *properties within 1,500 feet, whichever is higher.*
- 10 (4) *Reduced development impact fees and services fees where*
11 *allowable.*
- 12 (5) *Increased building heights at least one story taller than*
13 *existing building height restrictions in the area.*
- 14 (6) *Establishment of a business improvement district or*
15 *community facility district to fund infrastructure improvements.*
- 16 (7) *Reduction of minimum lot sizes and setbacks or provisions*
17 *for single-family detached condominiums.*
- 18 (8) *Incentives for mixed use projects.*
- 19 (9) *Lower parking requirements within one-half mile of a major*
20 *transit stop, as defined pursuant to Section 21064.3 of the Public*
21 *Resources Code. Parking requirements shall be no higher than the*
22 *following:*
- 23 (A) *Zero to one bedrooms: one onsite parking space.*
- 24 (B) *Two to three bedrooms: two onsite parking spaces.*
- 25 (C) *Four and more bedrooms: two and one-half parking*
26 *spaces.*
- 27 (10) *Identification of parcels meeting the requirements of*
28 *Section 65589.4 or sites meeting the criteria of Section 21159.24*
29 *of the Public Resources Code. For purposes of this subdivision, a*
30 *development may provide “onsite parking” through tandem*
31 *parking or uncovered parking.*
- 32 (b) *For purposes of this section, “infill site” has the same*
33 *meaning as the term is defined pursuant to Section 21061.0.5 of the*
34 *Public Resources Code.*
- 35 (c) *For purposes of this section, the “affordable housing*
36 *strategy” for the ordinance or plan shall include, at a minimum,*
37 *a mandatory affordable housing overlay that advantages*
38 *affordable housing development by infill developers, and either of*
39 *the following:*

1 *(1) Establishment of a housing trust fund to help the local*
2 *government offset the developer's costs to build affordable*
3 *housing.*

4 *(2) Zoning that allows affordable housing and mixed used in*
5 *commercial zones.*

6 (d) The legislative body of each city and county shall comply
7 with this section no later than one year from the date specified in
8 Section 65588 for the fifth revision of its housing element.

9 ~~(e)~~

10 (e) The provisions of this section shall not apply to either of the
11 following:

12 ~~(1) A city or county that adopts a specific plan for infill~~
13 ~~development that finds, based on substantial evidence in the record~~
14 ~~that it has an existing specific plan that substantially complies with~~
15 ~~the requirements of this section.~~

16 (1) *A city or county that finds, based on substantial evidence in*
17 *the record that it has an existing ordinance or specific plan that*
18 *substantially complies with the requirements of this section.*

19 (2) A county with a population of 100,000 or less, based on the
20 most recent county population estimate from the Department of
21 Finance.

22 ~~(d)~~

23 (f) Commencing with October 1, 2007, the Office of Planning
24 and Research and the Department of Housing and Community
25 Development shall monitor the implementation of this section,
26 pursuant to Section 65400.

27 ~~(e)~~

28 (g) The Legislature finds and declares that the promotion of
29 infill development and the provision of housing is a matter of
30 statewide concern and not merely a municipal affair, as that term
31 is used in Section 5 of Article XI of the California Constitution.
32 Therefore, this section shall apply to charter cities and to charter
33 city and counties.

34 SEC. 3. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 a local agency or school district has the authority to levy service
37 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of
- 2 Section 17556 of the Government Code.

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